

Traveller Equality Project Response to Home Office stop and search consultation

(Submitted at <http://www.homeofficesurveys.homeoffice.gov.uk/s/84302GDEVE>)

Q1. To what extent do you agree or disagree that the use of police powers of stop and search is effective in preventing and detecting crime and anti-social behaviour?

Strongly disagree

The Traveller Equality Project accepts that the use of police powers of stop and search could be effective for preventing and detecting crime in instances where suspicion is based on *specific and objective information*.

Currently this criteria is not being satisfied. Of the 1.1 million stops carried out in 2011/12 only 9% of 'reasonable suspicion' searches and 2% of 'section 60' searches resulted in arrest. As a whole, stop and search has been estimated to reduce the number of 'disruptable' crimes by just 0.2%. This means that the vast majority of those detained under stop and search powers have been delayed and harassed without cause.

Stop and Search disproportionately affects BAME communities. Black people are stopped and searched at 7 times the rate of white people, while Asian people are stopped and twice the rate of white people (StopWatch 2013).

The Traveller Equality Project would particularly like to draw your attention to the potential impact of Stop and Search on Gypsy and Traveller communities.

Our experience working with Gypsies and Travellers in the justice system suggests that the community is disproportionately affected by stop and search powers. Repeatedly, and from different individuals we have heard the same stories of stop and search being used to harass community members. Examples include:

- The repeated stopping and searching very young Traveller children; aged 10 and under, causing fear and distress.
- Police parking outside temporary Traveller sites, stopping and searching residents on a daily basis as a form of harassment to make people move on.
- Searches of all vehicles on a site housing multiple families, where police intelligence only warrants the searching of a single vehicle.

Generally, we have observed that just being a Gypsy or Traveller can count as 'reasonable suspicion' for stopping in the eyes of some officers. This has a profound impact on community relations with the police and other statutory agencies, and can exasperate social exclusion.

Recent case studies we conducted with offenders in the Thames Valley probation area revealed that distrust and resentment of the police was often born out of early experiences of being stopped and search:

'Wherever we went we'd be stopped. I had to stand there and watch my dad being humiliated... The police have no respect for us.' (Patrick)

'The police hate me. They hate Travellers full stop. They've always hated me from when I was a little kid. They used to stop me every day. Every day! They were always up and down the site. It was pure harassment.' (Frank)

Poor relations between many Travellers and the police are extremely damaging to the community. Feeling unable to go to the police with problems or in instances of victimisation strengthens the perception that it is best to 'deal with' issues within the family or community.

The Traveller Equality Project feels that, as they are currently used, stop and search powers are an ineffective instrument for preventing any deterring crime. Any impact stop and search powers have is negated by their destructive impact on community relations, which in itself hampers law enforcement efforts.

A 2010 Metropolitan Police Equality Impact Assessment acknowledged that:

'The Gypsy / Traveller community have expressed concern over the use of stop and search powers directed at their community... the lack of data around this community from stop and search records may mean that a problem is hidden. The 16+1 SDE system does not cater for recording interactions with the Gypsy / Traveller community.'

A survey by the Traveller Equality Project in July 2012 found that only four forces in England and Wales included Gypsies and Travellers in their ethnic monitoring procedures. We were informed by the Home Office at that time that there were no immediate plans to move to a 18 + 1 form, including 'Gypsy or Traveller', due to the 'significant cost' this would entail.

Given the body of research pointing to the disproportionate use of stop and search against minority communities, the Traveller Equality Project is extremely concerned that these powers continue to be executed with no monitoring to assess their impact on Gypsy and Traveller communities. **We reiterate our previous appeals to the Home Office to introduce effective ethnic monitoring procedures at the earliest opportunity.**

Q2. What are, in your view, the types of crime and anti-social behaviour that can be tackled effectively through the application of stop and search powers? Please give reasons.

The Traveller Equality Project acknowledge that stop and search may be a useful tool for combating weapons and violent crime. Currently only 9% of stop and search events are carried out with the stated purpose of apprehending offensive weapons. The use of stop and search for apprehending less serious crime may cause more damage to law enforcement efforts than good in the long term.

Stop and search powers should only be applied in instances where there is *specific and objective evidence* to support 'reasonable suspicion' that a person is in possession of a prohibited item.

Q.3 To what extent do you agree that the arrest rate following stop and search events is a useful measure of the power's effectiveness?

Strongly agree

The Traveller Equality Project feels that arrest rate following stop and search events is a useful measure of the power's effectiveness; though in fact this measure has highlighted the power's current ineffectiveness. However we would welcome the introduction of additional measures to improve appraisal of the power's impact, both on law enforcement outcomes and community relations (see Q4).

Q4. In your view, what other things, beyond the number of resulting arrests, should be considered when assessing how effective the powers of stop and search are? Please give reasons.

Additional measures might include:

- Improved ethnic monitoring to include the category 'Gypsy or Irish Traveller' (18 +1 system).
- Local community satisfaction and trust in police.
- The percentage of occasions on which a stolen or prohibited item searched for is found.
- Successful conviction rates in crimes originating as a stop and search event.
- Improved data analysis within forces to identify trends (for instance, a higher than usual number of stops and searches carried out by a particular officer or team, on members of particular groups or of individuals stopped multiple times).
- Better recording of the stated suspicion justifying a stop, and the corresponding arrest rate by suspicion type.

Q5 To what extent do you agree or disagree that the 'with reasonable grounds' stop and search powers, described in the paragraphs above, are used by police in a way which effectively balances public protection with individual freedoms?

Strongly disagree

Studies have found that the ways in which officers decide they have reasonable grounds for suspicion varies widely, and that 27% of stops are carried out with inadequate grounds or no grounds at all.

Tighter and clearer guidelines should be introduced to specify what constitutes 'reasonable grounds'. 'Reasonable grounds' should be based on specific and objective evidence and specifically prohibit stops for vague reasons such as 'suspicious behaviour'. The focus of these guidelines should be on preventing serious and violent crime.

These guidelines should be integrated into a standardised reporting form, which prompts for 'reasonable grounds' at the outset of a stop and search event.

All officers should receive improved training on what constitutes 'reasonable grounds'. This training should include specific equality and diversity training to eliminate the current ethnic bias in stop and search statistics. Training should also include a specific component on Gypsy and Traveller communities, given the particularly poor relations that often exist between these communities and the police.

Q6. To what extent do you agree or disagree that the ‘without reasonable grounds’ stop and search powers described in the paragraphs above are used by police in a way which effectively balances public protection with individual freedoms?

Strongly disagree

The Traveller Equality Project feels that section 60 powers to stop individuals without reasonable grounds are ineffective and constitute a serious breach of civil liberties. These powers are even more susceptible to racial bias.

Studies have shown that section 60 is being used inappropriately to deal with routine crime problems with no justifiable reason why normal police powers based on a reasonable suspicion were not being used.

We call for section 60 powers to be scrapped or, failing that, for the legislation to be clarified so that they can be applied only in extraordinary, emergency situations.

Q7. To what extent do you agree that it is right that the police are under a national requirement to record the information set out above in respect of each stop and search?

Strongly agree

Stop and search is a contentious power which has been shown time and time again to be open to abuse. It is therefore vital that as much information as possible is recorded on each stop and search, to monitor how the powers are being used and safeguard against misuse.

Q8. In your view, should Government require police forces to record stop and search events in a certain way (for example, using particular technology) or are individual forces better placed to make this decision? Please give reasons.

Stop and search events should be recorded in a standardised form nationwide, to enable proper analysis of how it is being used. The HMIC recently found that in 27% of stop and search events either no grounds had been recorded or officers had entered a reason which would not justify a search. A standardised form should be designed in such a way that required officers to record a justifiable reason for detaining an individual from the outset.

It would be logical to use handheld recording devices to record stop and search events, to speed up the process and ensure accurate recording.

Q9. To what extent do you agree or disagree with the following statement: “I am confident that the police use stop and search powers fairly to prevent and detect crime and anti-social behaviour?”

Strongly disagree

It is the view of Traveller Equality Project that stop and search events are frequently influenced by ethnic, class and age bias. Far from being used fairly, the powers can amount to institutional harassment of marginalised groups.

Q10. What would give you greater confidence in the police’s use of stop and search powers? Please give reasons.

Ultimately, only evidence will increase confidence in the police's use of stop and search powers. Current evidence shows that stop and search is ineffective at apprehending crime and is overused against minority communities.

Fundamental changes are needed to the practice of stop and search in order to increase public confidence.

Q11. To what extent do you agree or disagree that the current requirement to explain the reasons for the stop and search make the use of the power more fair and transparent?

Tend to disagree

The requirement for police to give a reason for a stop and search event is positive, but this requirement is being flouted in too many cases.

Q12. Before today, had you heard of the police.uk website?

Yes

Q13. To what extent do you agree or disagree that police.uk should contain information on stop and search in your local area?

Strongly agree

To allow greater transparency regarding the use of stop and search at a local level.

Q14. To what extent do you agree or disagree that local communities should have direct involvement in deciding how the police use their stop and search powers?

Tend to disagree

While it is important for the impact of stop and search on community relations be taken into account when appraising the powers, we would be wary about giving communities direct involvement in deciding how the police use their stop and search powers.

It is often minorities (young people, ethnic minorities) that are disproportionately affected by stop and search powers. Unfortunately, local communities are capable of complicity in discrimination against minority groups. This is particularly true in the case of Gypsies and Travellers who often face hostility within their local communities.

We would like to see a stop and search policy which is primarily based on *evidence*; in terms of its impact in reducing crime. At the moment evidence does not support the use of stop and search in its current form.

Joe Cottrell-Boyce

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The Traveller Equality Project works to improve the situation of Gypsies and Travellers in the Justice system in England and Wales and reduce reoffending.